

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHYLLIS GALLATIN, et al.,

Plaintiffs,

v.

JOHNSON CONTROLS, INC.

Defendant.

CIVIL ACTION NO. 05-74600

DISTRICT JUDGE DAVID M. LAWSON

MAGISTRATE JUDGE DONALD A. SCHEER

ORDER

Plaintiffs' Motion to Compel the Disclosure of Non-Privileged Information and the Deposition of David Froiland as Well as the Disqualification as Counsel of David Froiland and the Foley and Lardner Law Firm was referred to the undersigned magistrate judge for hearing and determination. The parties appeared, by counsel, for hearing on February 27, 2007. Having reviewed the motion, together with Defendant's response, and having heard oral argument, I find that the motion should be, and the same is hereby denied without prejudice.

The motion may be renewed with specific reference to discovery inquiries and their responses, if any, by the responding party. The List of Unresolved Issues should set out each discovery inquiry/request, together with the response, if any, to such inquiry/request and the positions of the parties with respect to the adequacy of the response. The parties are reminded of the requirements of Fed.R.Civ.P. 26(b)(5) relating to claims of privilege or attorney work product protections. Those provisions will be strictly enforced by the court.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Compel the Disclosure of Non-Privileged Information and the Deposition of David Froiland as Well as the

Disqualification as Counsel of David Froiland and the Foley and Lardner Law Firm is denied, without prejudice.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: February 28, 2007

CERTIFICATE OF SERVICE

I hereby certify on February 28, 2007 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on February 28, 2007. **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217